

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

CARLOS BESA-GARI,
Defendant.

CRIMINAL NO. 09-334(PG)

**UNITED STATES OF AMERICA'S RESPONSE TO
DEFENDANT CARLOS BESA-GARI'S
MOTION FOR DISCOVERY AND INSPECTION**

TO THE HONORABLE COURT:

COMES NOW, the United States of America, by and through its undersigned attorneys, and respectfully states and prays as follows:

1. Same was provided in discovery package dated November 2, 2009.
2. Same as above. The United States recognizes it has a continuing obligation to provide same, as it becomes due. Further discovery to be provided.
3. See response to number 2.
4. All physical evidence is available for viewing at any mutually convenient date and time.
5. See discovery dated November 2, 2009.
6. There are no fingerprint or handwriting analysis in this case. The lab results of the scientific analysis of the narcotics will be provided upon receipt.
7. N/A
8. N/A
9. N/A
10. See discovery package dated October 27, 2009 and November 2, 2009.
11. N/A
12. N/A
13. N/A
14. Same has been requested and will be provided upon receipt.
15. N/A
16. N/A
17. The United States does not have exculpatory evidence to provide but does recognize its continuing obligation to disclose same, under Brady.

18. There is no Roviaro witness in this case and the United States recognizes its obligation under Giglio to provide impeachment material. Same shall be provided as it becomes due.

19. See discovery dated November 2, 2009.

20. The United States is waiting for the results of the narcotics testing and same shall be made available.

21. The United States will call a chemist to testify and expert as to the value of the drugs. The requested information shall be provided upon receipt.

22. The witnesses are government employees and the undersigned will provide the work number and work address of any witness requested.

23. The term is 18 months. The defendant is not entitled to a list of the witnesses who appeared before the grand jury, at this time.

24. See discovery package dated November 2, 2009.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 16th day of December, 2009.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

s/ Jeanette Mercado-Rios

JEANETTE MERCADO-RIOS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Court using CM/ECF system, which will submit notification of such filing to the attorney(s) of record.

At San Juan, Puerto Rico, this 16th day of December 2009.

s/ Jeanette Mercado-Rios

JEANETTE MERCADO-RIOS

Assistant United States Attorney